

Assembly Bill No. 74

Passed the Assembly September 9, 2015

Chief Clerk of the Assembly

Passed the Senate September 8, 2015

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 1597.09 and 1597.55a of the Health and Safety Code, relating to care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 74, Calderon. Child care facilities: regulatory visits.

Under existing law, the State Department of Social Services regulates the licensure and operation of child day care centers and family day care homes, and is required to inspect these centers or homes at least once every 5 years and, beginning January 1, 2017, at least once every 3 years. Existing law provides that a child day care center or family day care home is subject to an unannounced inspection by the department, and requires the department to conduct an annual unannounced inspection under specified circumstances, including when a license is on probation, and to conduct annual unannounced inspections of no less than 20%, and commencing January 1, 2017, 30% of these centers or homes that are not subject to an inspection under those specified circumstances.

This bill would revise the provisions requiring the department to conduct annual unannounced inspections of a child day care center or family day care home by instead requiring the department to conduct annual unannounced inspections of no less than 20% of those centers or homes on and after January 1, 2018, and until January 1, 2019. The bill would also require, on and after January 1, 2018, and until January 1, 2019, the department to inspect each center or home at least every 2 years. Beginning January 1, 2019, the bill would require the department to conduct an annual unannounced inspection of each child day care center or family day care home.

The people of the State of California do enact as follows:

SECTION 1. Section 1597.09 of the Health and Safety Code, as added by Section 10 of Chapter 20 of the Statutes of 2015, is amended to read:

1597.09. (a) Each licensed child day care center shall be subject to unannounced inspections by the department. The department shall inspect these facilities as often as necessary to ensure the quality of care provided.

(b) The department shall conduct an annual unannounced inspection of a licensed child day care center under any of the following circumstances:

(1) When a license is on probation.

(2) When the terms of agreement in a facility compliance plan require an annual inspection.

(3) When an accusation against a licensee is pending.

(4) In order to verify that a person who has been ordered out of a child day care center by the department is no longer at the facility.

(c) On and after January 1, 2017, and until January 1, 2018, the department shall do both of the following:

(1) (A) Conduct an annual unannounced inspection of no less than 30 percent of facilities not subject to an evaluation under subdivision (b).

(B) The unannounced inspections required by subparagraph (A) shall be conducted based on a random sampling methodology developed by the department.

(2) Inspect a licensed child day care center at least once every three years.

(d) On and after January 1, 2018, and until January 1, 2019, the department shall do both of the following:

(1) (A) Conduct an annual unannounced inspection of no less than 20 percent of facilities not subject to an evaluation under subdivision (b).

(B) The unannounced inspections required by subparagraph (A) shall be conducted based on a random sampling methodology developed by the department.

(2) The department shall inspect a licensed child day care center at least once every two years.

(e) On and after January 1, 2019, the department shall conduct annual unannounced inspections of all licensed child day care centers.

(f) This section shall become operative on January 1, 2017.

SEC. 2. Section 1597.55a of the Health and Safety Code, as added by Section 12 of Chapter 20 of the Statutes of 2015, is amended to read:

1597.55a. Every family day care home shall be subject to unannounced inspections by the department as provided in this section. The department shall inspect these facilities as often as necessary to ensure the quality of care provided.

(a) The department shall conduct an announced site inspection prior to the initial licensing of the applicant.

(b) The department shall conduct an annual unannounced inspection of a facility under any of the following circumstances:

(1) When a license is on probation.

(2) When the terms of agreement in a facility compliance plan require an annual inspection.

(3) When an accusation against a licensee is pending.

(4) In order to verify that a person who has been ordered out of a family day care home by the department is no longer at the facility.

(c) On and after January 1, 2017, and until January 1, 2018, the department shall do both of the following:

(1) (A) Conduct annual unannounced inspections of no less than 30 percent of facilities not subject to an inspection under subdivision (b).

(B) These unannounced inspections shall be conducted based on a random sampling methodology developed by the department.

(2) The department shall inspect a licensed family day care home at least once every three years.

(d) On and after January 1, 2018, and until January 1, 2019, the department shall do both of the following:

(1) (A) Conduct annual unannounced inspections of no less than 20 percent of facilities not subject to an inspection under subdivision (b).

(B) These unannounced inspections shall be conducted based on a random sampling methodology developed by the department.

(2) Inspect a family day care home at least once every two years.

(e) On and after January 1, 2019, the department shall conduct annual unannounced inspections of all family day care homes.

(f) A public agency under contract with the department may make spot checks if it does not result in any cost to the state. However, spot checks shall not be required by the department.

(g) The department or licensing agency shall make an unannounced site inspection on the basis of a complaint and a followup inspection as provided in Section 1596.853.

(h) An unannounced site inspection shall adhere to both of the following conditions:

(1) The inspection shall take place only during the facility's normal business hours or at any time family day care services are being provided.

(2) The inspection of the facility shall be limited to those parts of the facility in which family day care services are provided or to which the children have access.

(i) The department shall implement this section during periods that Section 1597.55b is not being implemented in accordance with Section 18285.5 of the Welfare and Institutions Code.

(j) This section shall become operative on January 1, 2017.

Approved _____, 2015

Governor